(120)

HIGH COURT OF CHHATTISGARH AT BILASPUR
DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &
HON'BLE SHRI SATISH K. AGNIHOTRI, J.

Writ Petition No. 759 of 2004

Petitioners

1. Chhote Lal Shukla S/o Late Ram Lal Shukla, aged about 76 years, resident of Behind Telephone Exchange, Nirala Nagar Ward, Bilaspur, Tehsil and District Bilaspur (C.G.)
2. Ramayan Prasad Yadav S/o Mangal Prasad Yadav aged about 64 years R/o Behind Telephone Exchange Azad Nagar Ward No.9 Imlipara

Versus

Respondents

1. The State of Chhattisgarh, through the Secretary Department of General Administration, Mantralay, DKS Building, Raipur, Tehsil and District Raipur (CG)
2. The Director, Directorate of Nagar Tatha Gram Nivesh, Chhattisgarh, Raipur, Tehsil and District Raipur (CG)
3. The Collector, Bilaspur, Tehsil and District Bilaspur.
4. The Commissioner, Municipal Corporation, Bilaspur, Tehsil and District Bilaspur (CG)
5. The Tehsildar, Bilaspur Tehsil and District Bilaspur (CG)
6. Union of India, Through the Secretary Ministry of Railways, New Delhi.

Writ petition under Articles 226/227 of the Constitution of India

Present : Smt. Renu Kochar, counsel for the petitioners.
Shri A.S. Kachhawaha, Government Advocate for the State.

ORAL ORDER
(Passed on 06th December, 2007)

The following oral order of the Court was passed by **Hon'ble Jagdish Bhalla, Ag. C.J.**

Number of issues have been raised in this Public Interest Litigation.

Learned counsel for the petitioners submits that as far as construction of road is concerned, there is a civil suit pending wherein the Commissioner was appointed and he has submitted a report in favour of the local residents of the area. Therefore, as far as the matter regarding construction of road is concerned, learned counsel for the petitioners does not press for any relief before this Court. However, as far as nuisance due to Dharamasala, Sarai Samudaayik Bhawan and Bharaat Bhawan is concerned, the petitioners have already made representation way-back in the year 2003 which is pending before the authorities. It has been submitted that the same has not been decided till date. Learned counsel prays that a direction be issued to decide the said representation by the Municipal Commissioner in accordance with law.

It would be appropriate in the facts and circumstances of the case that the petitioners ~~should~~ make a fresh representation indicating all the present circumstances along with certified copy of this order within a period of 15 days from the date the certified copy is issued. Accordingly, interest of justice would suffice if any such representation is filed, the same is considered and decided expeditiously by a speaking order.

In the light of above, the writ petition stands disposed of.

Sd/-

Ag. Chief Justice

Sd/-
Satish K. Agnihotri
Judge

subbu